

Senate Engrossed

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 308

# **SENATE BILL 1213**

AN ACT

AMENDING SECTION 26-102, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY AND  
MILITARY AFFAIRS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-102, Arizona Revised Statutes, is amended to  
3 read:

4 26-102. Powers and duties of the adjutant general

5 A. The adjutant general shall serve as head of the department. The  
6 governor as commander in chief shall administer and control the national  
7 guard, and the adjutant general is responsible to the governor for execution  
8 of all orders relating to the militia, organization, activation,  
9 reactivation, inactivation and allocation of units, recruiting of personnel,  
10 public relations and discipline and training of the national guard and those  
11 members of the militia inducted into the service of this state as provided in  
12 this chapter. The adjutant general shall act as military chief of staff to  
13 the governor and chief of all branches of the militia. The adjutant general  
14 may belong to the national association and other organizations for the  
15 betterment of the national guard, subscribe to and obtain periodicals,  
16 literature and magazines of such other organizations and pay dues and charges  
17 from monies of this state appropriated for that purpose. Except for the  
18 authority expressly reserved for the governor, the adjutant general is  
19 responsible for emergency management, and all emergency activities are  
20 subject to the approval of the adjutant general.

21 B. The adjutant general, as the military chief of staff, shall:

22 1. Act as military advisor to the governor and perform, as the  
23 governor prescribes, military duties not otherwise designated by law.

24 2. Adopt methods of administration for the national guard that are not  
25 inconsistent with laws and regulations of the United States department of  
26 defense or any subdivision of the United States department of defense.

27 3. Supervise and direct the organization, regulation, instruction and  
28 other activities of the national guard.

29 4. Attest and record all commissions issued by the governor and  
30 maintain a register of all commissioned personnel.

31 5. Keep a record of all orders and regulations pertaining to the  
32 national guard and all other writings and papers relating to reports and  
33 returns of units comprising the national guard and militia.

34 6. Superintend the preparation of returns, plans and estimates  
35 required by this state, by the department of the army, air force or navy and  
36 by the UNITED STATES secretary of defense.

37 7. Control the use of and care for, preserve and maintain all military  
38 property belonging to or issued to this state and pay from monies  
39 appropriated by the legislature for these purposes the necessary expenses for  
40 labor and material incurred in the repair of military property.

41 8. Dispose of unserviceable military property belonging to this state,  
42 account for the proceeds and transmit ~~them~~ THE PROCEEDS to the morale,  
43 welfare and recreational fund established by section 26-153.

44 9. Authenticate with the seal of the office of the adjutant general  
45 all orders and copies of orders issued by the adjutant general's office. An  
46 authenticated copy has the same force and effect as the original.

1           10. Present to the governor before each regular session of the  
2 legislature, or as otherwise required, an estimate of the financial  
3 requirements for state monies for operation of the department and the  
4 national guard during the next fiscal year.

5           C. The adjutant general, as head of the department, shall:

6           1. Be the administrator of the department.

7           2. Coordinate the functions of the divisions and offices of the  
8 department.

9           3. Subject to title 41, chapter 4, article 4 and, as applicable,  
10 article 5, appoint, suspend, demote, promote or dismiss employees of the  
11 department. The adjutant general may delegate this authority.

12           4. Appoint an auditor for the department to conduct periodic financial  
13 and compliance audits of each division and office in the department and  
14 perform ~~such~~ other duties as prescribed by law. At least annually the  
15 auditor shall audit accounts that are open for more than twelve months. The  
16 auditor shall determine within the department compliance with purchase and  
17 bidding procedures prescribed by law.

18           5. Adopt, with the approval of the governor, rules necessary for the  
19 operation of the department AND FOR THE ORGANIZATION, GOVERNANCE, ARMAMENT,  
20 EQUIPPING, INSTRUCTION AND COMPENSATION OF THE NATIONAL GUARD AND AUTHORIZED  
21 EMPLOYEES. RULES THAT ARE ADOPTED FOR THE NATIONAL GUARD AND AUTHORIZED  
22 EMPLOYEES PURSUANT TO THIS PARAGRAPH SHALL BE IN FORCE AND EFFECT WHEN  
23 APPROVED BY THE GOVERNOR.

24           6. Establish and administer accounts for federal, state or other  
25 monies made available to carry out the functions of the department.

26           7. As deemed necessary, appoint to peace officer status members of the  
27 Arizona national guard who have been awarded a United States army military  
28 occupational specialty as military policeman or a United States air force  
29 specialty code as security policeman. Before appointment as peace officers,  
30 such individuals must successfully complete a course of study to be  
31 prescribed by the Arizona peace officer standards and training board.  
32 Individuals appointed as peace officers pursuant to this ~~section~~ PARAGRAPH,  
33 when performing duties at facilities or on land operated or controlled by or  
34 under the jurisdiction of the adjutant general, have all the powers,  
35 privileges and immunities of peace officers provided by law. Individuals  
36 appointed as peace officers pursuant to this ~~section~~ PARAGRAPH are not  
37 eligible to participate in funding provided by the peace officers' training  
38 fund established by section 41-1825 or in the public safety personnel  
39 retirement system.

40           8. Establish, abolish or reorganize the positions or organizational  
41 structure within the department, subject to legislative appropriation, if, in  
42 the adjutant general's judgment, the modification would make the operation of  
43 the department more efficient, effective or economical.

44           9. Establish an educational program for persons who have previously  
45 dropped out of high school and who are under twenty years of age but who are  
46 not adjudicated delinquent. The educational program shall be designated

1 "project challenge", and the program shall be conducted by the national guard  
2 of Arizona in a paramilitary environment. The goal of the educational  
3 program is to provide persons WHO ARE enrolled in the program with the  
4 knowledge and skills necessary to become productive citizens and to obtain a  
5 general equivalency diploma. In addition to monies appropriated for the  
6 program, the adjutant general may accept and spend monies from any other  
7 lawful public or private source.

8 10. Submit to the governor, the president of the senate and the speaker  
9 of the house of representatives annually by September 1 a report for the  
10 department for the preceding fiscal year including:

11 (a) The strength and condition of the national guard.

12 (b) The business transactions of the department.

13 (c) A detailed statement of expenditures for all military and civilian  
14 purposes.

15 (d) The disposition of all military and civilian property on hand or  
16 issued.

17 (e) A description of the activity in the camp Navajo fund established  
18 by section 26-152.

19 (f) A detailed statement of the national guard postsecondary education  
20 reimbursement program pursuant to section 26-181, subsection D.

21 D. The adjutant general, with the approval of the governor, may:

22 1. Enter into contracts with individuals, this state, political  
23 subdivisions of this state or the federal government and its agencies for the  
24 purchase, acquisition, rental or lease of lands, buildings or military  
25 materiel and take title in the name of this state for the establishment and  
26 maintenance of armories, subject to legislative appropriation for these  
27 purposes.

28 2. Procure and contract for procurement of equipment and its issuance  
29 to members of the militia inducted into the service of this state.

30 3. Enter into agreements and plans with the state universities,  
31 community colleges or any educational institution supported by federal or  
32 state monies for promotion of the best interests of the national guard and  
33 military training of students of the institutions.

34 4. Lease property acquired under this chapter for any public purpose  
35 for a period of one year that is renewable.

36 5. Convey for any public purpose in the name of this state easements  
37 on real property acquired under this chapter.

38 6. Enter into contracts or agreements with the federal government that  
39 are deemed to be in the best interest of this state and the national guard.

40 7. Delegate the powers and duties in this section.

41 8. Adopt methods of security for the national guard reservations or  
42 facilities that are consistent with the laws, regulations or directives of  
43 the United States department of defense or any subdivision of the United  
44 States department of defense and the laws of this state.

APPROVED BY THE GOVERNOR MAY 17, 2016.

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FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.

Passed the House May 6, 2016,

Passed the Senate February 18, 2016,

by the following vote: 53 Ayes,

by the following vote: 29 Ayes,

0 Nays, 7 Not Voting

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6<sup>th</sup> day of May, 2016.

at 5:56 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 17<sup>th</sup> day of

May, 2016,

at 5:05 o'clock P. M.

[Signature]  
Governor of Arizona

S.B. 1213

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18<sup>th</sup> day of May, 2016,

at 10:20 o'clock A M.

[Signature]  
Secretary of State